

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

RACHEL YOUNGER, Individually and as  
Administrator of the Estate of NATHANIEL  
YOUNGER,

Plaintiff,

v.

ZURICH AMERICAN INSURANCE COMPANY  
and UBS FINANCIAL SERVICES, INC.,

Defendants.

Civil Action No.: 11-civ-1173  
(TPG)

**CERTIFICATION IN SUPPORT OF MOTION TO DISMISS**

**ANDREW I. HAMELSKY** hereby certifies that the following is true under  
penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am a partner with White and Williams LLP, attorneys for defendant Zurich American Insurance Company (“Zurich American”).
2. I make this certification based upon my personal knowledge of the facts set forth herein.
3. This certification is in support of the notice of motion to dismiss of Zurich American, dated June 15, 2011.
4. Attached as **Exhibit 1** is the amended complaint (ECF 27).

5. Attached as **Exhibit 2** is a copy of an opinion and order that may be cited as *Keir v. UnumProvident Corp.*, 2010 WL 3566878 (S.D.N.Y. Sept. 14, 2010).

I certify under penalty of perjury that the forgoing is true and correct.

Date: June 15, 2011

Respectfully submitted,

s/ Andrew I. Hamelsky  
Andrew I. Hamelsky, Esq.  
White and Williams LLP  
One Penn Plaza  
250 W. 34th Street, Suite 4110  
New York, NY 10119  
Phone: 212-244-9500  
E-mail: hamelskya@whiteandwilliams.com  
*Attorneys for defendant Zurich American  
Insurance Company*